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10/663,837	09/17/2003	Pin-Hung Lin	FP9701	2692

7590

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Pin-Hung Lin  
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EXAMINER

THANH, QUANG D

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/663,837

Applicant(s)

LIN, PIN-HUNG

Examiner

Quang D. Thanh

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 1-6 in the reply filed on 05/03/2005 is acknowledged.
2. Accordingly, claims 7-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/03/2005.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: "the connection section" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamasaki et al. (5,183,034).

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6. Re claim 1-2, 4, 6, Yamasaki discloses (claim 1) a centrifugal, rotating power element comprising a motor 38 (fig. 3) having a driving shaft 331, a swinging member having a root section (shaft 351 and its surrounding part shown in fig. 3) and an end section (top part of 35, and the weight of the root section and that of the end section are of certain ratio (fig. 3, col. 3, lines 7-22), and the root section (bottom part of 35) and the end section (top part of 35), which is made of elastic material such as rubber, thus are connected flexibly such that when the driving shaft rotates, the end portion of the swinging element is provided with an appropriate torsional swinging force as a result of the centrifugal force (circular path as shown in fig. 9); (claim 2) wherein the connection section of the end section and the root section of the swinging element is provided with a notch (indentation between the top part 35 and the root part, best seen in figs. 5 and 6); (claims 4 and 6) wherein the driving shaft 421 (part of shaft 331) between the root section 422 of the swinging element and the motor is mounted with an anti-shock element 423 (best seen in fig. 8); wherein the anti-shock element is an elastic member (spring 423, col. 3, lines 38-44).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki et al. (5,183,034). Yamasaki discloses the device having all the claimed features

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including a weight body 362 mounted on the end section 35 of the swinging element (fig. 5), except it is silent regarding a screw hole for mounting the weight body. However, it is well known in the art that fastening means such as screw, bolt or welding are conventionally used to secure elements together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a screw hole for receiving a screw in order to attach the weight body to the end section, since the selection of any of these known equivalents fastening means would be within the level of ordinary skill in the art.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki et al. (5,183,034) in view of Yamasaki (4,777,940). Yamasaki et al. discloses the device having all the claimed features except for a soft pad mounted on the drive shaft between the root section of the swinging element and the motor. However, Yamasaki '940 teaches a device comprising a motor M (fig. 2) having a driving shaft 16, a swinging member having a root section 18 and an end section 19, and a soft pad 17 mounted on the drive shaft 16 between the root section of the swinging element and the motor (vibration isolation rubber 17, col. 2, lines 32-36, fig. 2) for preventing wobble action (anti-shock). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the Yamasaki et al. '034's device, to include a soft rubber pad, as suggested by Yamasaki '940, for the purpose of providing an anti-shock element that would prevent wobble action between the motor shaft and its bearings (col. 2, lines 32-36).

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**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyahara '052 discloses a massage treatment device. Tannenbaum et al. '381 discloses a skin and tissue stimulation device. Ishii '427 discloses a dozing preventive device and its method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both regular and After-Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quang D. Thanh  
Patent Examiner  
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(571) 272-4982

May 16, 2005

